

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

YIPIT, LLC d/b/a YipitData

Plaintiff,

v.

ZACHARY EMMETT,
ALEXANDER PINSKY, and
JOHN DOES 1-10,

Defendants.

Case No. 24-cv- 7854 (_____)

**DECLARATION OF ROSE FRAWLEY
IN SUPPORT OF PRELIMINARY INJUNCTION**

I, Rose Frawley, declare as follows:

1. I am Chief People Officer at Yipit, LLC d/b/a YipitData (“Yipit”). Unless stated otherwise, I make this declaration based on my own personal knowledge and belief, and could competently testify to the matters stated below if called upon to do so.

2. I have been employed by Yipit since April 2024. In my role as Chief People Officer, I am oversee Yipit’s People Department, Yipit’s equivalent of a human resources (“HR”) department. I am ultimately responsible for all of the People functions, including People business partners (*e.g.*, employee onboarding, development, and offboarding); People operations (*e.g.*, payroll and benefits); recruiting; employee experience; and workplace and facilities.

3. Zachary Emmett (“Mr. Emmett”) and Alexander Pinsky (“Mr. Pinsky”) are both former employees of Yipit. Both joined Yipit on the same day, August 26, 2019. Both were originally employed in the same role, Sales Executives, although they worked on different teams and reported to different immediate supervisors. Both received six-figure salaries as compensation for their employment.

4. Yipit requires all new employees to sign a “Proprietary Information, Inventions and Non-Solicitation Agreement” upon accepting employment with Yipit. In line with this practice, Mr. Emmett and Mr. Pinsky signed Proprietary Information, Inventions and Non-Solicitation Agreements upon accepting their offers of employment with Yipit. Their agreements were identical in all material respects. A true and correct copy of Mr. Emmett’s agreement, which he signed on August 6, 2019, is attached as **Exhibit 1**. A true and correct copy of Mr. Pinsky’s agreement, which he signed on August 13, 2019, is attached as **Exhibit 2**.

5. On December 31, 2022, Mr. Pinsky departed Yipit and began working at M Science. Mr. Emmett remained employed with Yipit at that time.

6. On the afternoon of June 4, 2024, Mr. Emmett notified Yipit that he was leaving the company during a Zoom meeting with Jimmy Hart, Yipit’s Chief Revenue Officer. When asked where he was going, Mr. Emmett declined to say specifically. Instead, he vaguely claimed that he was going to a smaller company in the data space that was focused on private equity customers and that the company was not a competitor to Yipit. This turned out to be false.

7. Mr. Emmett’s last day as a Yipit employee was June 17, 2024.

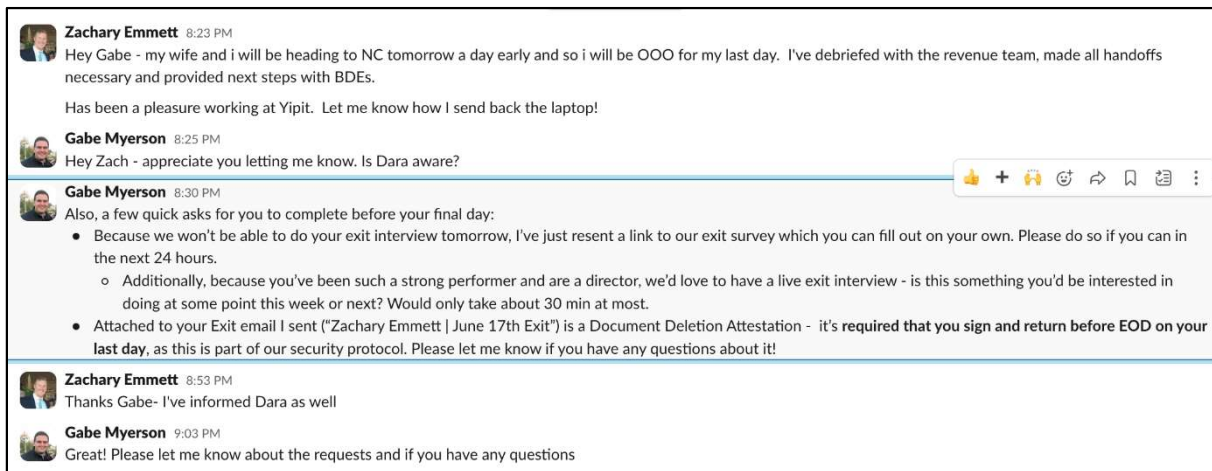
8. Between giving notice on June 4 and his last day on June 17, Mr. Emmett repeatedly dodged his exit interview with Yipit’s People Department. As is Yipit’s typical practice, a People Business Partner (in this case, Gabe Myerson) reached out to Mr. Emmett soon after he gave notice to, among other things: (a) instruct him to remove any Yipit proprietary and confidential information that he had saved in external email accounts or on personal devices; (b) remind him to continue to comply with his obligations to Yipit per his signed Proprietary Information, Inventions and Non-Solicitation Agreement; (c) ask him to complete an exit survey;

and (d) request that he schedule and attend an exit interview. Attached as **Exhibit 3** is a true and correct copy of this email correspondence, dated June 5, 2024, and subsequent email chain.

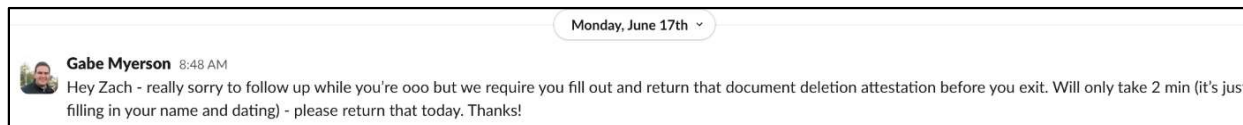
9. Mr. Myerson initially scheduled Mr. Emmett's exit interview for June 13, 2024, and sent Mr. Emmett a calendar invitation. On the morning of June 13, 2024, Mr. Myerson noticed that Mr. Emmett had declined the calendar invitation. Mr. Emmett claimed that he did so due to overlapping meetings.

10. Mr. Myerson then messaged Mr. Emmett over Slack to reschedule the exit interview. Mr. Emmett told Mr. Myerson that "Monday would be fine," so Mr. Myerson rescheduled the interview for Monday, June 17, 2024, which would be Mr. Emmett's last day at Yipit. However, late in the evening on Sunday, June 16, Mr. Emmett messaged Mr. Myerson that he and his wife "will be headed to NC tomorrow a day early," so he would "be OOO [out of office] for [his] last day."

11. Mr. Myerson re-sent Mr. Emmett a link to Yipit's exit survey and offered to reschedule the exit interview yet again "at some point this week or next." Mr. Emmett never completed the exit survey or responded to this request to reschedule the exit interview. A true and correct screenshot of the Slack messages between Mr. Myerson and Mr. Emmett on June 16, 2024, regarding Mr. Emmett's departure is pasted below:



12. As of March 2024, Yipit also requires every departing employee to sign an “Acknowledgement and Attestation Form” (also referred to as a “Document Deletion Attestation”), confirming that they have returned and/or deleted Yipit’s proprietary and confidential information. Mr. Myerson initially requested that Mr. Emmett sign the Document Deletion Attestation in the June 5, 2024 email described above. *See* Exhibit 3 at 1. On June 16, after Mr. Emmett claimed that he would be out of office on his last day, Mr. Myerson reminded Mr. Emmett via Slack messaging that “it’s **required that you sign and return** [the Deletion Attestation Form] **before EOD on your last day**, as this is part of our security protocol.” *See* Exhibit 4 (emphasis in original). Mr. Myerson then followed up yet again, via Slack and email on the morning of June 17, to ask for Mr. Emmett’s signed Document Deletion Attestation. *See* Exhibit 3 at 2. A true and correct screenshot of the Slack message Mr. Myerson sent to Mr. Emmett on June 17, 2024, is pasted below:



13. Mr. Emmett finally submitted his signed Deletion Attestation Form to Mr. Myerson in the morning on June 17, 2024. A true and correct copy of Mr. Emmett’s signed Acknowledgement and Attestation Form, or Deletion Attestation Form, is attached as **Exhibit 4**.

14. At no point during this process did Mr. Emmett reveal to Yipit that he was joining M Science, or that he was joining a competing company more generally. Mr. Myerson and I did not learn until around July 3, 2024 (weeks after Mr. Emmett had left) that Mr. Emmett had accepted a role at M Science.

* * *

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge.

Executed this 15 day of October 2024, at Fairfield, Connecticut.



Rose Frawley